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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,343

04/14/2005

Koji Korechika

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03/20/2008

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EXAMINER

ROCCA, JOSEPH M

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

03/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,343	Applicant(s) KORECHIKA, KOJI	
	Examiner Joseph Rocca	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 24, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 10-15, 24, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/4/07, 9/21/07, 11/15/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 7-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Lindstrom (U.S. 5,568,938).

With respect to **claim 7**, Lindstrom discloses an inflator bag (Element 40) for a vehicle occupant restraining apparatus being able to expand and develop by a high-pressure gas filled in said inflator bag and is capable of restraining a vehicle occupant by being expanded and developed, comprising: a hollow body being opened at its both sides and having a cross-sectional structure in which both sides of said hollow body are dented in a U-shaped manner toward an inside of a tube-shaped body in one diameter direction out of two diameter directions (Figs 5 and 6) intersecting at right angles on said hollow body and both sides of said hollow body are crushed in a manner so as to be in a plane state in another diameter direction (Figs. 5 and 6), and, wherein a bag main body is formed by blocking opened portions of said hollow body on both sides with end face plates (Figs. 5 and 6, Elements 45 and 46 (end plates)) and said bag main body is crushed in a manner so as to be in a flat state on both sides in said another diameter direction (Figs. 2 and 3, Element 24).

With respect to **claim 8**, Lindstrom additionally discloses that by denting, in a U-shaped manner, portions on both sides of said tube-shaped body toward its inside portions in one

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diameter direction out of two diameter directions intersecting at right angles on said tube-shaped body and, at a same time, by crushing portions on both sides of said tube-shaped body in a manner so as to be in a plane state in another diameter direction, a hollow body being opened at both ends and having a cross-sectional structure in which said tube-body is crushed and wherein a bag main body is formed by blocking opened portions of said hollow body with end face plates using both sides on which said hollow body is dented in an inside direction and said end face plates as gore portions and; wherein said bag main body is folded in a manner so as to be a flat state by further denting portions on both sides having been dented toward an inside direction of said hollow body and serving as said gore portions and said end face plates and, at a same time, by further crushing portions on both sides in another diameter direction. Furthermore, applicant should note that the method of forming the device is not germane to the issue of patentability of the device itself.

With respect to **claim 9**, each of said end face plates of Lindstrom includes a shrunk portion formed so as to be placed in an inside of said hollow body and to develop at a time when said hollow body is filled with said high-pressure gas (Figs. 5-6), in as much as the shrunk portion is defined by applicant.

Regarding the limitation of the end plates, the applicant should note that a plate as broadly defined is no more than: "a smooth flat thin piece of material." *See*, Merriam-Webster's Online Dictionary, at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=plate>, last visited at (10/21/2007). Applicant should note that Elements 45 and 46, would constitute "smooth flat thin pieces of material" when the airbag is fully inflated.

Allowable Subject Matter

3. Claims 1-6, 10-15, 24, and 27-28 are allowed.

Response to Arguments

4. Applicant's arguments filed 1/22/2008, with respect to claims 7-9 have been fully considered but they are not persuasive. Regarding claims 1-6, 10-15, 24, and 27-28, the applicant's arguments with respect to these claim have been fully considered and are persuasive accordingly, the rejections to these claims have been withdrawn.

5. Regarding applicants arguments as to claims 7-9:

a. Applicant's first argument centers upon the rejections of claims 7-9 and more particularly the meaning of the word plate. In the rejection as is clearly shown above, the examiner holds that a plate as broadly and reasonably defined is no more than: "a smooth flat thin piece of material." See, Merriam-Webster's Online Dictionary, at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=plate>, last visited at (10/21/2007). The first point the applicant should note is that claims are given their broadest reasonable meaning. Additionally, in response to the applicant's argument that the definition above is not reasonable in view of the specification. The applicant is directed to MPEP 2111.01, which holds that terms in the claim are given their plain and ordinary meaning unless said meaning is directly inconsistent with the specification and also states that "during examination, the claims must be interpreted as broadly as their terms reasonably allow." In the present situation the claims have been given their broadest reasonable interpretation and are being construed properly, in the context of examination.

b. Additionally, and perhaps, more importantly, the attorney should note that the use of the term plate is much broader than the claim construction being argued by the attorney, because in the present application, the applicant himself, defines, many other portions to be plates, which are of completely different structure than that of Element 503. For example figure 5, Element 502(a) is defined as a side face plate and this element has structure similar to the reference applied. As another example in Figure 10, Element 152a, is also defined as a face plate, this element is not even flat, it is merely thin and partially smooth, which is at least the case with respect to elements 45 and 46, Lindstrom reference as can be seen above in the rejection. Furthermore, the applicant should note that the end face plates described in Figs. 11 and 12 as elements 202 and 302, have completely different structure from that of Element 503, which the attorney appears to suggest is the only reasonable interpretation of what a face plate is in view of the specification. Accordingly, the examiner stands by the position that elements 45 and 46 are end face plates in at least as much as the applicant himself defines the term, and also in view of the plain ordinary meaning of the term.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Rocca whose telephone number is 571-272-5191. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit
3618

/Joseph Rocca/
Examiner, Art Unit 3616

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	10/522,343	KORECHIKA, KOJI	
	Examiner	Art Unit	
	Joseph Rocca	3616	